

### **REMARKS/ARGUMENTS**

Reconsideration of this application, in view of the foregoing amendment and the following remarks and arguments, is respectfully requested.

Claims 1-76 were originally presented for consideration in this application, with Claims 40-76 having been withdrawn from consideration pursuant to the applicants' July 6, 2004 provisional election. The Examiner's indication that Claims 17-19 and 26-39 contain patentable subject matter is noted with appreciation.

By the foregoing amendment, the withdrawn Claims 40-76 have been cancelled without prejudice or disclaimer. Accordingly, Claims 1-39 remain in this application for consideration and allowance.

Claims 1-5, 13-16, and 20-25 currently stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent 5,299,280 to Ruark. This rejection is respectfully traversed for the following reasons.

Via independent Claim 1, each of applicants' Claims 1-5, 13-16 and 20-25 specifies a liquid heating vessel having:

an insulation dam structure including a hollow body portion (representatively the body 44) having opposite open outer and inner sides spaced apart along an axis circumscribed by said body portion, a first sealing portion (representatively the sealing lip 60) laterally projecting outwardly from said open outer side, a second sealing portion (representatively the sealing strip 58) on said open inner side of said body portion, and **a force exerting portion (representatively the external body projections 76 shown in FIGS. 2 and 3) disposed axially inwardly of said first sealing portion,**

said insulation dam structure axially extending through said jacket wall opening with said first sealing portion overlying an outer side portion of said jacket wall extending peripherally around said jacket wall opening, said second sealing portion overlying an outer surface portion of said vessel, and **said force exerting portion holding said first sealing portion in an axially outwardly deformed sealing engagement with said outer side portion of said jacket wall.**

Applicants' claimed use of a force exerting dam structure **body portion** which is disposed **inwardly** of a body sealing portion that is disposed outwardly of a liquid heating apparatus outer jacket wall and holds the sealing portion in an axially outwardly deformed sealing engagement with the outer side of the jacket wall is not disclosed in U.S. Patent 5,299,280 to Ruark. Instead, the Ruark insulation dam 70 (see FIGS. 4 and 5) is sealed to its associated water heater tank 14 and outer jacket 34 by force exerted by a door member 110 disposed **externally** to the jacket.

As is clearly stated in the Ruark specification, beginning on line 36 of column 3 thereof:

The water heater 10 further comprises (see FIGS. 1, 3, 4 and 6) a door 110 covering the cap 98 and the dam 70, and means for securing the door 110 to the jacket 34 such that the door engages the cap 98 and thereby forces the dam 70 toward the tank 34. This forces the lip 82 into sealing engagement with the outer surface 26 of the jacket 34 and also forces the inner portion of the dam 70 into sealing engagement with the outer surface 26 of the tank 14. Preferably, the door 110 is secured to the jacket 34 by screws 114 (FIGS. 1 and 4).

The Ruark door 110 is simply not a force exerting dam body portion which is disposed inwardly of a dam seal that overlies the outer jacket side and is deflected by the force exerting portion against the outer jacket side. It is thus respectfully submitted that for this reason alone, none of applicants' Claims 1-5, 13-16 and 20-25 is anticipated by the Ruark reference.

Dependent Claims 13, 20, 21 and 23 are seen to be even further distinguishable over Ruark in view of the recitation in Claim 13 that applicants' dam body portion is snap-fitted onto a jacket opening (see FIG. 3); the recitation in Claim 20 that the force exerting portion which is disposed inwardly of the outer seal structure forces a sealing portion into sealing engagement with the outer surface of the inner vessel (see FIG. 2); the recitation in Claim 21 that the compressible inner side sealing strip has indentations (representatively the indentations 84 shown in FIG. 9) formed therein for sealingly receiving electrical wires; and the recitation in Claim 23 that the outer sealing lip has a rectangular shape with first and second pairs of opposing side portions, the slopes of one of said pairs of opposing side portions being greater than the slopes of the other pair of opposing side portions (see the different lip side slope angles Y and X in FIGS. 6 and 7).

In view of these claim distinctions, it is respectfully requested that the anticipation rejection of Claims 1-5, 13-16 and 20-25 be withdrawn.

Claims 6-12, all of which depend from independent Claim 1 discussed above, stand rejected under 35 USC §103(a) as being unpatentable over Ruark in view of U.S. Patent 6,349,169 to Jackson et al. This rejection is respectfully traversed for the following reasons.

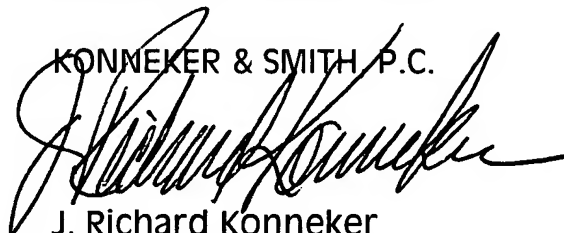
Jackson et al fails to cure the deficiencies in Ruark discussed above relative to Claim 1, having been cited by the Examiner solely for its alleged teachings with respect to the use of "a plurality of spaced apart snap fit structures". The Jackson et al reference does not teach or in any manner suggest the force exerting structural and functional limitations discussed above in conjunction with Claim 1 from which Claims 6-12 depend. It is thus respectfully submitted that none of applicants' Claims 6-12 is rendered obvious by the Examiner's proposed combination of the Ruark and Jackson et al references.

In view of the foregoing amendment, remarks and arguments, all of the claims currently pending in this application are now seen to be in a condition for allowance. A Notice of Allowance of Claims 1-39 is therefore earnestly solicited.

The Examiner is hereby requested to telephone the undersigned attorney of record at 972/516-0030 if such would further or expedite the prosecution of the instant application.

Respectfully submitted,

KONNEKER & SMITH P.C.



J. Richard Konneker  
Attorney for Applicants  
Registration No. 28,867

Dated: October 18, 2004

660 N. Central Expwy., #230  
Plano, Texas 75074  
972/516-0030

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,

on OCT. 18, 2004  
Shawn Stufles